

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2-19-03

265-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-12</b>
ITEM DESCRIPTION: Preliminary Plat #02-65 by Bigelow Enterprises to be known as Kingsbury Hills Fifth.		PREPARED BY: Mitzi A. Baker, Senior Planner

February 12, 2003

### City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on January 22, 2003 to consider this preliminary plat.

The Planning Commission recommended approval of Preliminary Plat #02-64, subject to the following modifications and conditions. Haeussinger moved, Ohly seconded, the motion carried 6-0.

- Storm water management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility.*
- Off site easements are required for the storm water discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.*
- Parkland dedication requirements shall be met via: cash in lieu of land, per the December 31, 2002 memorandum from Rochester Park and Recreation.*
- Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.*
- Prior to development, a temporary turn around and applicable easement is required at the easterly extent of 51<sup>st</sup> St. NW.*

### Council Action Needed:

- The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact as a basis for the decision.*

### Distribution:

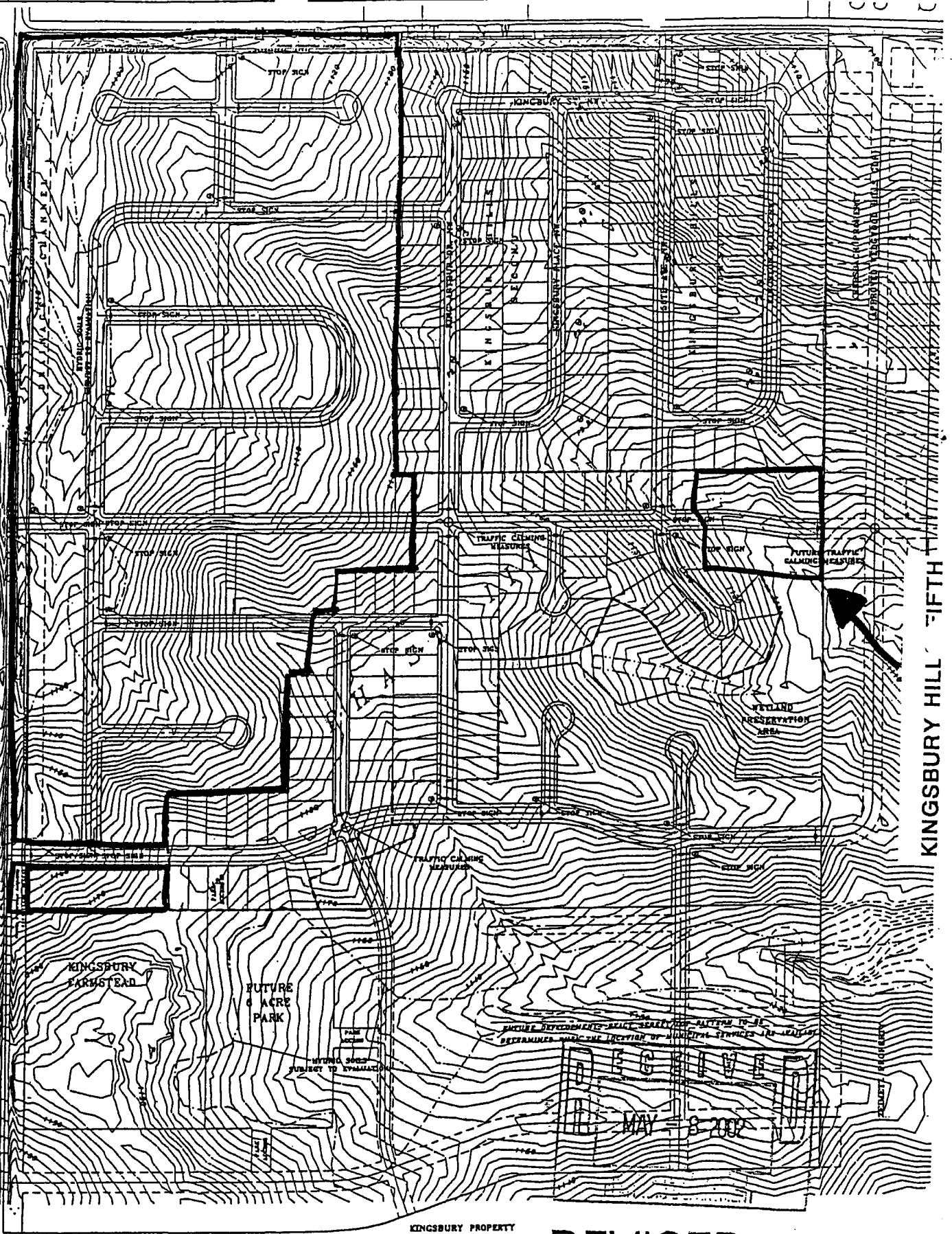
- City Administrator
- City Clerk
- City Attorney
- Planning Department File
- Planning Department, GIS Division
- Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday February 19, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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KINGSBURY HILLS FOURTH

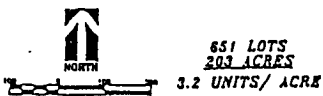
KINGSBURY HILL FIFTH



KINGSBURY PROPERTY

REVISED

GENERAL DEVELOPMENT PLAN  
KINGSBURY HILLS  
ROCHESTER, MN



651 LOTS  
203 ACRES  
3.2 UNITS/ACRE

REQUIREMENTS FOR APPROVAL, ETC.	
DATE	APPROVED
APPROVED BY THE BOARD OF SUPERVISORS	
DATE	APPROVED

NO.	DATE	DESCRIPTION
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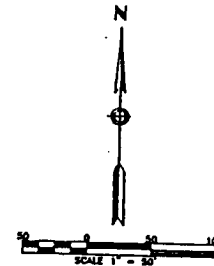
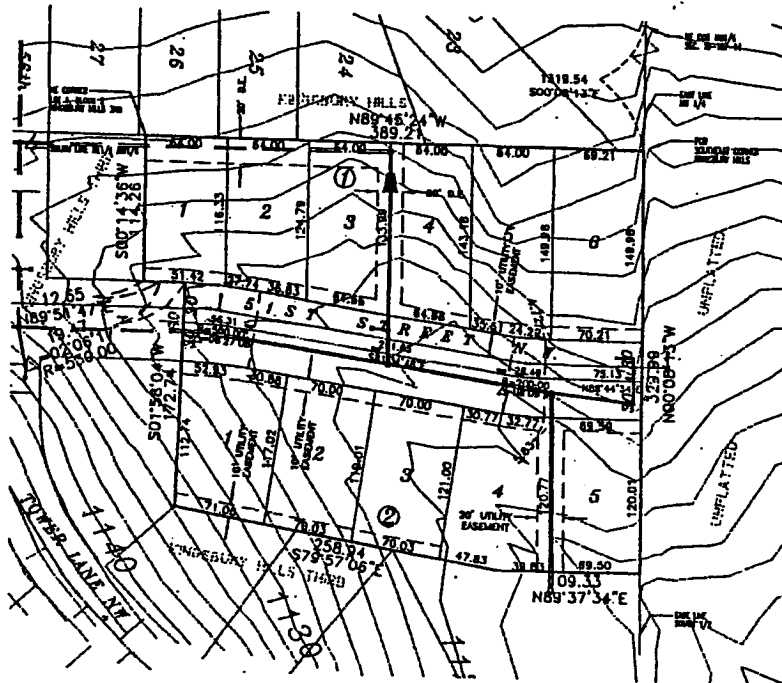
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# KINGSBURY HILLS FIFTH



KINGSBURY HILLS FIFTH SITE DATA SUMMARY	
TOTAL ACREAGE	2.89
ACREAGE DEVOTED TO PUBLIC USE	0.50
NUMBER OF LOTS R-1 ZONE	11
NUMBER OF OUTLOTS	0

## PRELIMINARY PLAT

OWNER & DEVELOPER  
JOEL BIGELOW & SONS ENTERPRISES

DEC 23 2002

ROCHESTER OLIMSTED  
PLANNING DEPARTMENT

Surveyed by  
LARRY J. SHAW

ROCHESTER OLIMSTED  
PLANNING DEPARTMENT  
ROCHESTER, NEW YORK

That part of the South Half of the Northeast Quarter of Section 18, Township 47 North,  
Range 14 West, Cleveland County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 02 degrees 05 minutes 13 seconds East, assumed bearing, along the east line thereof, 1318.54 feet to the southeast corner of KINGSBURY HILLS FIVE for the point of beginning; thence North 88 degrees 45 minutes 24 seconds West, assumed bearing, along the south line of said KINGSBURY HILLS FIVE, 389.21 feet to the northeast corner of Lot 1, Block 3, KINGSBURY HILLS THIRD (the next six 14 minutes 36 seconds West, 114.36 feet; thence North 88 degrees 51 minutes 47 seconds East, 12.65 feet; thence easterly 15.47 feet along a tangential curve concave southerly central angle of 02 degrees 05 minutes 17 seconds, radius of 530.00 feet, and the chord of said curve bears South 88 degrees 05 minutes 08 seconds East, 18.47 feet; thence South 01 degree 58 minutes 04 seconds West, 172.74 feet; thence South 79 degrees 57 minutes 05 seconds East, 238.84 feet; thence North 88 degrees 37 minutes 34 seconds East, 109.33 feet to the east line of the South Half of said Northeast Quarter; thence North 02 degrees 06 minutes 13 seconds West, along said east line, 329.88 feet to the point of beginning.

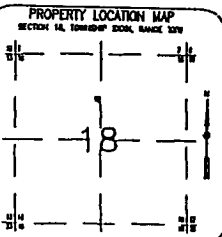
Containing 2.89 acres more or less.

NOTE:

BEFORE RECORDING:  
ALL RECORDS ARE IN RELATIONSHIP  
WITH THE NEW LINE AND VAL. SEC. 16-18-14  
WHICH IS BEING RECORDED IN R. 18-18-14

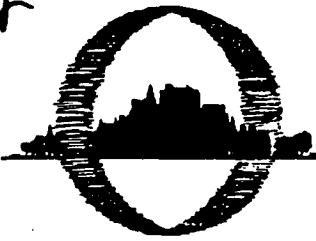
DEVELOPER'S AGENT:  
As authorized agent for the subdivision  
and maintenance of all necessary easements and  
rights of way within the boundaries of the  
subdivision, including the right to sell and lease.

OWNER'S AGENT:  
As authorized agent for the subdivision  
and maintenance of all necessary easements and  
rights of way within the boundaries of the  
subdivision, including the right to sell and lease.



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## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO: City Planning and Zoning Commission**

**FROM: Mitzi A. Baker, Senior Planner**

**DATE: January 16, 2003**

**RE: Preliminary Plat # 02-65, to be known as Kingsbury Hills Fifth Subdivision, by Bigelow & Sons Enterprises. The plat contains 2.69 acres to be subdivided into 11 single-family home lots. The property is located southerly of and adjacent to the SE corner of Kingsbury Hills Subdivision and east of the present dedicated right-of-way for 51<sup>st</sup> Street NW in Kingsbury Hills Third Subdivision.**

### **Planning Department Review:**

**Applicant/Owner:**

Bigelow Enterprises  
706 County Road 3 NW  
Byron, MN 55920

**Surveyors/Engineers:**

McGhie & Betts, Inc.  
1648 Third Ave. SE  
Rochester, MN 55904

### **Summary:**

The applicant is proposing to subdivide approximately 2.69 acres of land into 11 lots for single-family development. This plat proposes the dedication an extension of 51<sup>st</sup> Street NW.

This plat proposes to collect storm sewer in pipes and outlet it to the south, into an Outlot platted with Kingsbury Hills Third subdivision.

This development would generate a need for approximately 13 spillover parking spaces. These spill-over stall could be accommodated on-street as well as within individual driveways.

Parkland dedication will need to be met for this subdivision via cash in lieu of land with payment prior to recording the final plat documents.

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



Pedestrian facilities are required along both sides of all new roadways, and will be required along 51<sup>st</sup> Street.

This property is included in the Kingsbury Hills General Development Plan. At the time of the GDP (and Kingsbury Hills 3<sup>rd</sup>) review, it was noted that adequate public facilities did not exist to serve this development, beyond Phase III. The applicant is now proposing to plat beyond Phase III, and to include areas previously identified as not having sanitary sewer service. Rochester Public Works has informed the Planning Department that the City has budgeted funds in 2003 to provide sewer capacity for this area and that a City Owner Contract with Bigelow will be needed to extend the sewer from Weatherstone to Kingsbury Subdivision.

Development of this property will need to be timed to coincide with the availability of sanitary sewer service.

**Plat Review and Recommendation:**

Staff would recommend the following conditions/modifications to insure the applicable criteria (61.225) are met:

1. ***Storm water management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility.***
2. ***Off site easements are required for the storm water discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.***
3. ***Parkland dedication requirements shall be met via: cash in lieu of land, per the December 31, 2002 memorandum from Rochester Park and Recreation.***
4. ***Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.***
5. ***Prior to development, a temporary turn around and applicable easement is required at the easterly extent of 51<sup>st</sup> St. NW.***

**REMINDER TO APPLICANT:**

- ***Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.***
- ***Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.***

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ROCHESTER PARK AND RECREATION DEPARTMENT  
201 FOURTH STREET SE  
ROCHESTER MINNESOTA 55904-3769  
TELE 507-281-6160  
FAX 507-281-6165

## MEMORANDUM

DATE: December 31, 2002  
TO: Jennifer Garness  
Planning  
RE: Kingsbury Hills 5<sup>th</sup>  
Preliminary Plat #02-65

Acreage of plat.....	2.69 a
Number of dwelling units.....	11 units
Density factor.....	.0244
Dedication .....	.27 a
Fair market value of land.....	\$15,000/a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

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DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/7/03

The Department of Public Works has reviewed the application for PP#02-65, for the proposed Kingsbury Hills 5th development. The following are Public Works comments on the proposal:

1. A Development Agreement has been executed for this property.
2. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
3. Storm Water Management must be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.
4. Prior to development of this property, a City-Owner Contract must be executed to address the construction of all public infrastructure and utilities to serve this subdivision.
5. Pedestrian facilities will be required along both sides 51<sup>st</sup> St NW within this development.
6. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service.
7. A temporary turn around, and applicable easement is required at the easterly extent of 51<sup>st</sup> St NW.
8. Execution of a drainage easement from the adjacent Owner is required to point discharge stormwater between Lots 4 & 5, Block 2.

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- ❖ Sewer Availability Charge (SAC) for the remainder of this property that would naturally drain to Sewer District 28G, at the rate for that district (yet to be established).
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a detention facility, constructed by the Owner, to serve this property.
- ❖ Storm Water Management District (SWMD) charge for Section 7 @ \$1082.60 per gross acre
- ❖ Northwest Transportation Improvement District (NWTID) @ \$2007.14 per gross acre
- ❖ Traffic Signs as determined by the City Engineer





DATE: January 10, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher  
Fire Protection Specialist

SUBJ: Preliminary Plat #02-65  
Kingsbury Hills 5<sup>th</sup> Subdivision  
Southerly of and adjacent to the SE corner of Kingsbury Hills Subdivision and east of the  
preset dedicated right-of-way for 51<sup>st</sup> Street NW in Kingsbury Hills 3<sup>rd</sup> Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6  
Mail Stop 060  
2900 48<sup>th</sup> Street N.W.  
Rochester, MN 55901-5848

Office Tel: 507-280-2913  
Fax: 507-285-7355  
E-mail: dale.maul@dot.state.mn.us

January 7, 2003

Jennifer Garness  
Rochester Olmsted Planning Department  
2122 Campus Drive SE - Suite 100  
Rochester, MN 55904

**RE: Preliminary Plat #02-62, by Leslie A. Lurken to be known as Wedgewood Hills 6<sup>th</sup>.  
The property is located along the south of Duvall Street NW and allows for the  
continuation of 54<sup>th</sup> Avenue NW.**

**Preliminary Plat #02-64 to be known as Kingsbury Hills Fourth, by Bigelow &  
Sons Enterprises. The property is located on the SE corner of 55<sup>th</sup> Street NW &  
60<sup>th</sup> Avenue NW.**

**Preliminary Plat #02-65 to be known as Kingsbury Hills Fifth Subdivision, by  
Bigelow & Sons Enterprises. The property is located east of the present dedicate  
right-of-way for 51<sup>st</sup> Street NW in Kingsbury Hill Third Subdivision.**

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to Mn/DOT roadways, it is most likely TH 52 will be accessed via 55<sup>th</sup> Street. Mn/DOT is interested in the City of Rochester's study of traffic impacts from growth in north Rochester.

Thank you for keeping Mn/DOT informed. Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul  
Planning Director

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## WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Preliminary Plat #02-65 Kingsbury Hills 5th

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☒ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

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January 7, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #02-65 by Joel Bigelow & Sons Enterprises, Inc. to be known as Kingsbury Hills Fifth.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. Static water pressures within this area will range from 57 to 66 PSI.
2. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

A handwritten signature in black ink that reads 'Donn Richardson'.

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention Bureau  
Gary Schick, Building & Safety  
Josh Johnson, McGhie & Betts, Inc.  
Joel Bigelow & Sons Enterprises, Inc.

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- development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM prior to Final Plat approval.
8. Wetlands exist on this property. Approval is contingent upon obtaining appropriate permits to fill or otherwise disturb wetlands. No grading work is to occur within Wetland areas prior to securing proper permits.
  9. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
  10. The applicant must provide surety that guarantees that the site will be fully restored after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.
  11. Hydrant spacing identified on the preliminary plat is inadequate. Additional hydrants, meeting the requirements shall be provided with the final construction plans.
  12. Roadway names shall be modified as identified in the December 27, 2002 memorandum from the Planning Department addressing staff and shall be reflected on the Final Plat application.
  13. Lot 1, Block 12, or a portion thereof, may need to be reserved for future right-of-way needs. Prior to Final Plat application for this portion of the development, a determination will need to be made relative to future right-of-way needs for 60<sup>th</sup> Ave. NW. The Final Plat shall be modified to reserve additional land for future right-of-way for 60<sup>th</sup> Ave., if determined necessary.

\*

Preliminary Plat # 02-65, to be known as Kingsbury Hills Fifth Subdivision, by Bigelow & Sons Enterprises. The plat contains 2.69 acres to be subdivided into 11 single-family home lots. The property is located southerly of and adjacent to the SE corner of Kingsbury Hills Subdivision and east of the present dedicated right-of-way for 51<sup>st</sup> Street NW in Kingsbury Hills Third Subdivision.

Ms. Mitzi A. Baker presented the staff report, dated January 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked why the plat was for such a small area.

The applicant's representative, Mr. Ward Opitz, of 5955 118<sup>th</sup> Avenue NW, Byron MN, addressed the Commission. He stated that they could not include it in Kingsbury Hills Fourth because it was not contiguous. The sewer connection would be coming from Wedgewood. He stated that the applicant agreed with staff's recommendations and conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Preliminary Plat # 02-65, to be known as Kingsbury Hills Fifth Subdivision, by Bigelow & Sons Enterprises with staff-recommended findings and conditions. Mr. Ohly seconded the motion. The motion carried 6-0.

**CONDITIONS:**

1. Storm water management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility.
2. Off site easements are required for the storm water discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.
3. Parkland dedication requirements shall be met via cash in lieu of land, per the December 31, 2002 memorandum from Rochester Park and Recreation.
4. Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.
5. Prior to development, a temporary turn around and applicable easement is required at the easterly extent of 51<sup>st</sup> St. NW.

Preliminary Plat # 02-66, to be known as Manorwood Lakes Seventh, by Western Walls, Inc. The plat contains 27.10 acres to be subdivided into 50 single-family home lots and 3 outlots. The property is located adjacent on the east to Manorwood Lakes 5<sup>th</sup> & 6<sup>th</sup> Subdivisions at the present termini of Lake Meadow Dr. NW and Lake Vista Dr. NW.

Ms. Mitzi A. Baker presented the staff report, dated January 17, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Vice President of Western Walls, Chuck DeWitz, of 604 11<sup>th</sup> Avenue NW, Rochester MN, addressed the Commission. He reviewed the staff-recommended conditions.

Mr. Josh Johnson, of McGhie & Betts, addressed the Commission. He stated that he spoke with Mike Nigbur with regard to the easement over the entire area within the floodway and 100 year floodway. His intent was not the 100 year flood line, but the floodway. He stated that he would research where the additional part of the comment came from and get back to him.

Ms. Baker stated that it was something that could get resolved between now and the City Council meeting.

Mr. DeWitz stated that he disagreed with deeding Outlot A. He also stated that he would like the language changed with regard to condition five to state "fill or drain".